



# PUBLIC NOTICE

**File Number: NRS 14.040**

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Pursuant to Chapter 0400-4-7 of the Department's rules, the proposed activity described below has been submitted for approval under an Aquatic Resource Alteration Permit and §401 Water Quality Certification. This notice is intended to inform interested parties of this permit application and to ask for comments and information necessary to determine possible impacts to water quality. No decision has been made whether to issue or deny this application.

**APPLICANT:** Glenn Wilson, CEO  
Southstar, LLC  
501 Corporate Centre Drive, Suite 315  
Franklin, TN 37067  
(615) 472-8916

**LOCATION:** Southeast corner of McEwen Drive and Carothers Parkway, Franklin, Williamson County. Latitude 35.9299453; longitude -86.809556.

**PROJECT DESCRIPTION:** The proposed development of a 147 acre parcel includes an office park, a hotel, retail and residential properties. Proposed construction activities affecting resources are a 125- foot aqua arch culvert over the south prong of Spencer Creek, the placement of fill in a 0.26 acre seep wetland, a 1.28 acre pond fringe wetland, and a 1.66 acre pond.

## **IMPACTS:**

Stream impacts: a beam span bridge over south prong of Spencer Creek and a utility line crossing at the bridge.

Wetland Impacts: The applicant proposes to compensate for the alteration of 1.54 acres with the purchase of 1.59 credits form the Swamp Road Wetland Mitigation Bank #1 and the purchase of 2 credits form the Tennessee Mitigation Fund.

Pond Impacts: The applicant proposes to compensate for the pond impacts with the on-site creation of 1.66 acre pond/wetland system to replace the function of the farm pond

**DEGRADATION:** In accordance with the Tennessee Antidegradation Statement (Rule 0400-40-03-.06), the division has determined that the proposed activities will result in degradation to water quality.

**WATERSHED / WATERBODY DESCRIPTION:** The proposed project lies within the Harpeth River Watershed. More information can be found at <http://www.state.tn.us/environment/water/watersheds/harpethriver.shtml>

Stream Name / ID #:	Spencer Creek TN05130204016-0200	
Ecoregion:	Outer Nashville Basin 71h	
Stream Dimension:	Channel bottom width- 15-30 feet Chanel top width – 20-40 feet Water depth- varies Bank height – 6-9 feet	
Substrate:	bedrock, boulders, gravel, cobble, silt	
Designated Use	Use Support	Causes
Fish and aquatic life	not supporting	sedimentation, siltation from land development
Recreation	not supporting	
Irrigation	fully supporting	
Livestock watering & wildlife	fully supporting	

Wetland #1- 1.28 acre fringe wetland surrounding a 1.66 acre pond. Black willow, cutgrass, sedges and cocklebur.

Wetland #2- 0.26 acre seep below pond dominated by herbaceous hydrophytes.

**PERMIT COORDINATOR:** Mike Lee

**FACTORS CONSIDERED:** In deciding whether to issue or deny a permit, the department will consider all comments of record and the requirements of applicable federal and state laws. In making this decision, a determination will be made regarding the lost value of the resource compared to the value of any proposed mitigation. The department shall consider practicable alternatives to the alteration. The department shall also consider loss of waters or habitat, diminishment in biological diversity, cumulative or secondary impacts to the water resource, and adverse impact to unique, high quality, or impaired waters.

**COMMENTING:** Persons wishing to comment on the proposal are invited to submit written comments to the department. Written comments must be received within **thirty days of the date that this notice is posted**. Comments will become part of the record and will be considered in the final decision. The applicant's name and permit number should be referenced. Send all written comments to the department's address listed below and to the attention of the permit coordinator.

**PUBLIC HEARING:** Interested persons may request in writing that the department hold a public hearing on this application. The request must be filed within the comment period, indicate the interest of the person requesting it, the reasons that the hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the department will hold a public hearing. Send all public hearing request to the department's address listed below and to the attention of the permit coordinator.

**APPEAL:** A permit appeal may be filed, pursuant to T.C.A. §§ 69-3-105(i) and Rule 0400-40-05, by the permit applicant or by any aggrieved person who participated in the public comment

period announced by this notice. This petition must be filed within THIRTY (30) DAYS after public notice of the issuance of the permit. The petition must specify what provisions are being appealed and the basis for the appeal. It should be addressed to the technical secretary of the Tennessee Board of Water Quality, Oil and Gas at the following address: Dr. Sandra Dudley, Director, Division of Water Resources, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Ave, 12<sup>th</sup> floor, Nashville, TN 37243. Any hearing would be in accordance with T.C.A. §§69-3-110 and 4-5-301 et seq.

**FILE REVIEW:** The permit application, supporting documentation including detailed plans and maps, and related comments are available at the department's address (listed below) for review and/or copying.

Tennessee Department of Environment & Conservation  
Division of Water Resources, Natural Resources Unit  
William R. Snodgrass Tennessee Tower  
312 Rosa L. Parks Avenue, 11th Floor  
Nashville, Tennessee 37243



**BDY** NATURAL SCIENCES CONSULTANTS  
 2014 21st Avenue South, Nashville, Tennessee 37212 P: 615.460.9797 F: 615.460.9796

Figure 1. Site Location Map Showing the Approximate Boundary of the Ovation Development in Franklin, Williamson County, Tennessee

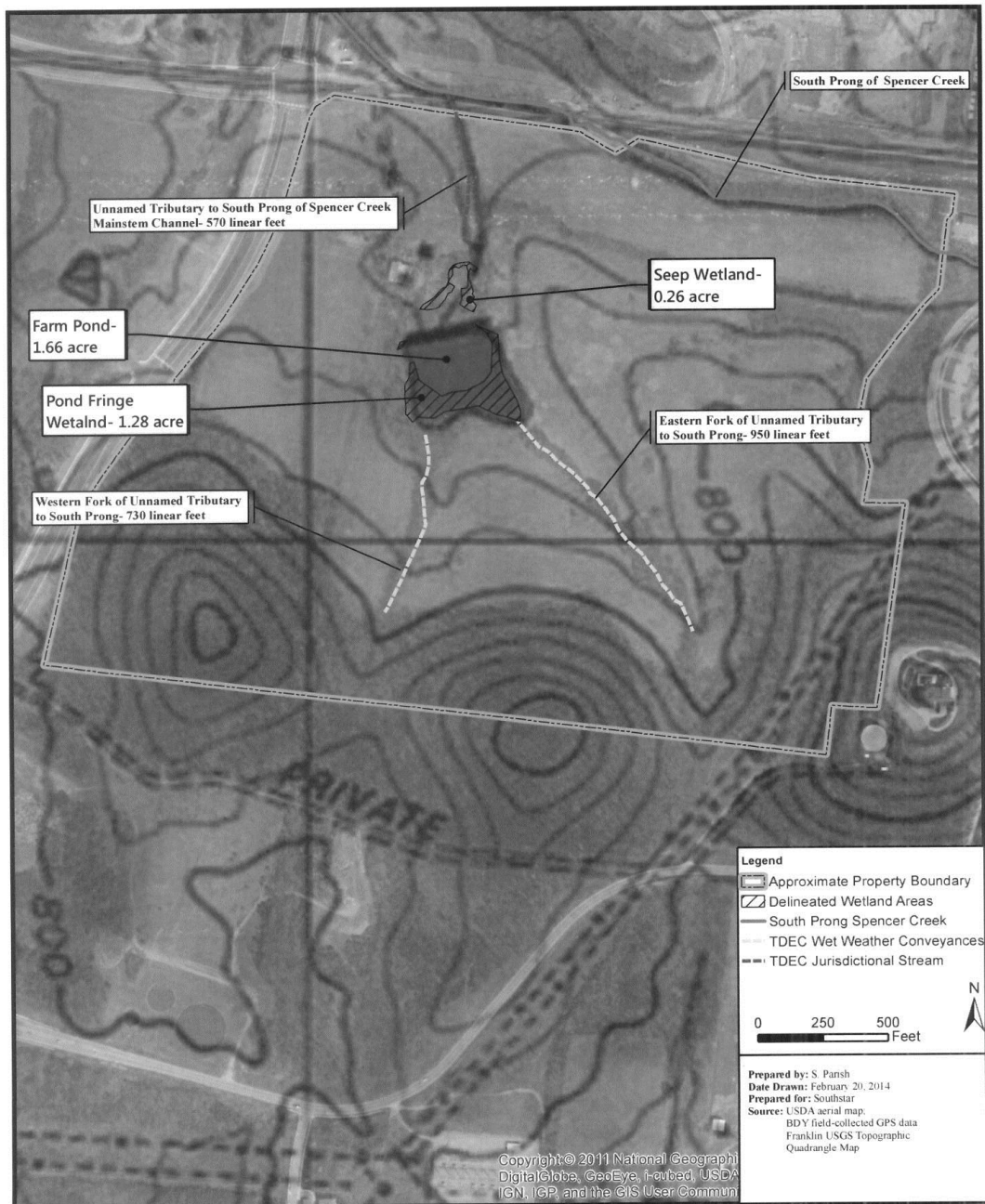


Figure 2. Site Layout Map Showing the Location of Site Watercourses, the Farm Pond and the Delineated Wetlands Identified on the Ovation Development Site in Franklin, Williamson County, Tennessee

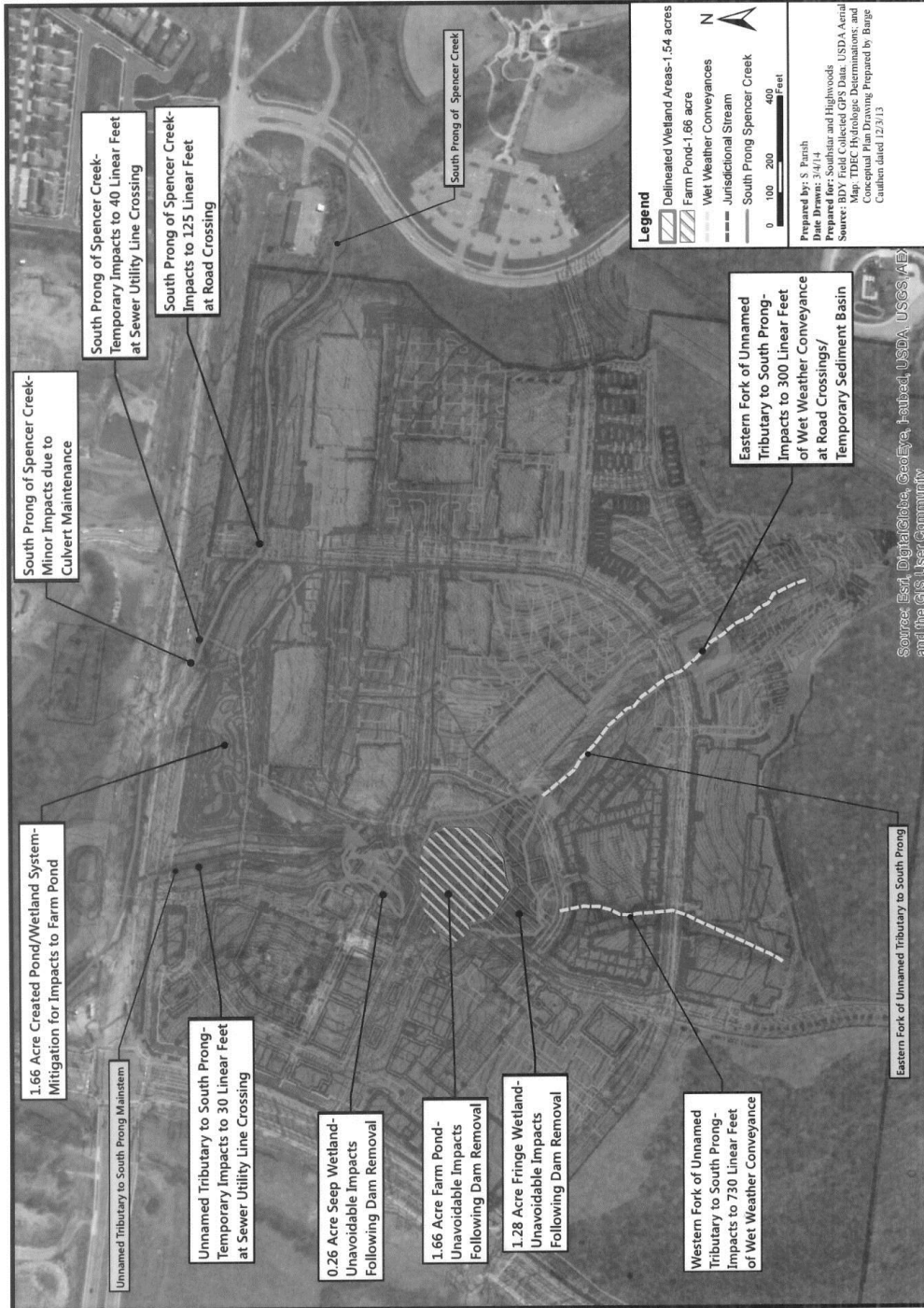


Figure 5. Overview Map Showing the Ovation Conceptual Plan, the Aquatic Resources Identified on the Site, and the Proposed Impacts to Aquatic Resources and Onsite Mitigation Identified in the TDEC Aquatic Resources Alteration Permit Application

Photograph Page for ARAP Submittal  
Wetlands and South Prong of Spencer Creek  
Williamson County, Tennessee



**Photo 1: View of farm pond covered with algae in April 2013; facing south; lat/long ~ 35°55'49.46"N; 86°48'33.05"W.**



**Photo 2: Another view of the farm pond covered with algae in August 2013; facing east; lat/long ~ 35°55'49.33"N/ 86°48'36.65"W.**





**Photo 13: View of seep wetland located below the dam; lat/long ~ 35°55'50.48"N/ 86°48'33.9"W.**



**Photo 14: View of drainage patterns in wetland from dam seep; lat/long ~ 35°55'50.19"N/ 86°48'35.41"W.**